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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,408	02/25/2004	Randall Finn	40,730	3995

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Joseph G. Mitchell, Esq.  
4521 Derby Lane  
Smyrna, GA 30082

EXAMINER
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TOMPKINS, ALISSA JILL

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/786,408

Applicant(s)

FINN, RANDALL

Examiner

Alissa J. Tompkins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/25/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/25/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear which claim the applicant is dependent upon. For examination purposes claim 12 has been viewed as depending on claim 11, not on itself.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Iselin (U.S. 6,000,058). Iselin shows an apparatus with a sleeve sewn onto a glove that could be used for receiving a paint can (Figure 4, 36). The sleeve has an elastomeric collar allowing the sleeve to conform and contract to the shape of the container received as well as securing the sleeve around the container (Column 2, line 59).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6, and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iselin in view of Russell (U.S. 5,833,095). Iselin discloses the invention substantially as applied in claims 1-3 above. Russell discloses a fastener holder that has at least one strap, which is used to help secure the sleeve around the holder (Figure 1, 4). The strap has a locking snap clip at one end and a female locking clip at the other end (Figure 1, 5). The apparatus also includes a means to attach to a user's clothing (Figure 2, 10), at least one strap attached vertically to the sleeve for added support (Figure 1), and a pouch attached to the sleeve with at least one slot for receiving tools (Figure 25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Russell to modify Iselin so as to provide additional support for the material held within the pouch and to provide means for holding useful tools in close proximity to their use.

Claims 7, 11, and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iselin (U.S. 6,000,058) and Russell (U.S. 5,833,095) as applied to claims 1-6, and 8-10 above, and further in view of Mann (U.S. 4,862,521). The device of Iselin and Russell show all of the claimed invention except for the swivel safety clip attached to the glove as well as means for tightening the glove around a user's wrist.

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Mann shows a glove, which includes both the swivel safety clip (Figure 1) and an elastic wristband allowing the glove to be tightened to the user's wrist (Figure 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Iselin and Russell with the teachings of Mann since the clip would offer an attaching means for attaching the apparatus to a waist belt or other clothing part when the apparatus is not in use and an elastic sleeve for providing a way to properly hold the glove assembly on a wearers hand.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dzierson (U.S. 4,414,692) shows a drinking glove with an attachable sleeve and an elastic wristband. Lindsay (U.S. 4,993,551) shows a tool holder for a bucket with numerous pouches for receiving tools.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa J. Tompkins whose telephone number is 571-272- 3425. The examiner can normally be reached on M-F 830-5.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 571-272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alissa Tompkins  
Patent Examiner  
Art Unit 3765  
August 11, 2005

AJT

  
JOHN S. CALVERT  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700